

STATE OF WASHINGTON
ETHICS OPINION NO. 12-4

The Ethics Advisory Committee (EAC) is appointed by the Chief Justice of the state Supreme Court under General Rule 10, and consists of judges from the Court of Appeals, superior court, courts of limited jurisdiction, an attorney, and the Administrator of the Courts. This is the designated body to advise judicial officers on the application of the Code of Judicial Conduct. The Ethics Advisory Committee issues formal advisory opinions that are circulated publicly by the Administrative Office of the Courts. The opinions are available at a searchable Web site at www.courts.wa.gov, under 'Programs and Organizations.'

The Commission on Judicial Conduct (CJC) is separate from the EAC. The CJC is a constitutionally-created, independent agency of the judicial branch of state government which enforces the Code of Judicial Conduct, pursuant to WA State Const. Art IV, §31. Although EAC opinions are not binding on the CJC, a judge's compliance with an opinion by the EAC shall be considered as evidence of the judge's good faith. GR 10(b). The CJC has a searchable website at www.cjc.state.wa.us.

Question

May a judicial officer give permission for a committee concerned with state capitol furnishings preservation to use a state court building for its Founders Day reception and fundraising auction?

One of the justices serves as a member of the committee and has asked the Supreme Court for permission to have its Founders Day Reception and Auction at the Temple of Justice. The function is traditionally held in the Governor's mansion. Because of the Temple of Justice centennial, it has been suggested that this venue would be appropriate.

Answer

CJC 3.1(E) provides in relevant part that a judicial officer should not, when engaging in extrajudicial activities, make extrajudicial use of court premises except for incidental use permitted by law. Comment [3] to that rule addresses in pertinent part concerns that a judicial officer's activities may create the risk that a person solicited would feel obligated to respond favorably or would do so to curry favor with a judge. CJC 3.7 addresses the types of activities a judicial officer may engage in relative to extrajudicial activities. Section (C) limits a judicial officer's fundraising role in activities for organizations that are not related to the law, the legal system, or the administration of justice.

In this situation the judicial officer is asked to open the state court building in order for the state capitol furnishings preservation committee to conduct its Founders

Day Reception and Auction, a fundraising event not related to the law, the legal system or the administration of justice. This is impermissible under both CJC 3.1 and 3.7 cited above both because use of court premises is more than incidental and it could create the risk that a person would respond favorably either to attending the event or participating in the auction because the venue for the event is the Temple of Justice, the building in which the state's highest court sits. Finally, this committee's purpose is not related to the law, the legal system, or the administration of justice.

Also see Opinion 89-10.